

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

| | | |
|--------------------------------|---|--|
| FEDEX SUPPLY CHAIN LOGISTICS & |) | |
| ELECTRONICS, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | Civil Action No. 2:22-cv-02684-JTF-atc |
| v. |) | |
| |) | |
| JAMES GOODMAN and |) | |
| GENESIS NETWORKS ENTERPRISES, |) | |
| LLC, |) | |
| |) | |
| Defendants. |) | |

PLAINTIFF’S RESPONSE TO THE COURT’S ORDER TO SHOW CAUSE

Comes now Plaintiff FedEx Supply Chain Logistics & Electronics, Inc. (“FSCLE”) and in response to the Court’s Order to Show Cause [D.E. #10] states as follows:

FSCLE filed this suit on October 5, 2022 just seven months ago. The Court has not set a Rule 16 scheduling conference or entered a scheduling order. FSCLE is unsure why the Court is talking about a possible dismissal for failure to prosecute a case in such a short period of time and certainly opposes such an outcome in this case.

FSCLE further opposes such a move because in the seven months since FSCLE filed this case, FSCLE has reached an agreement with Defendants and obtained a signed agreement with them confessing to a judgment and agreeing to a payment plan post-judgment. FSCLE called the Court to inform the Court that such an agreement was impending. Defendants have already made the first payment pursuant to that agreement. Dismissing the case under these circumstances would be detrimental to the agreed outcome. Pursuant to the parties’ agreement, FSCLE will file a motion

for a consent judgment and provide the Court with a suggested consent judgment which FSCLE hopes the Court will promptly sign.

For these reasons, FSCLE respectfully requests that the Court not enter an order dismissing the case.

BUTLER SNOW LLP

By: s/ Daniel W. Van Horn
DANIEL W. VAN HORN (18940)
R. CAMPBELL HILLYER (22124)
ADAM M. LANGLEY (30492)

Attorneys for Plaintiff FedEx Supply Chain
Logistics & Electronics, Inc.
6075 Poplar Ave., Ste. 500
Memphis, TN 38119
(901) 680-7200
(901) 680-7201 (fax)
Danny.VanHorn@butlersnow.com
Cam.Hillyer@butlersnow.com
Adam.Langley@butlersnow.com

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing joint motion has been served on Counsel for Genesis and Goodman, Michael Aigen, Stinson, LLP, 2200 Ross Ave., Ste. 2900, Dallas, TX 75201 this the 26th day of April 2023.

s/ Daniel W. Van Horn